# Northern District of California

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

| UNITED STATES DISTRICT COURT    |
|---------------------------------|
| NORTHERN DISTRICT OF CALIFORNIA |

### OSCAR GATES,

Petitioner,

v.

RON DAVIS, Warden, San Quentin State Prison

Respondent.

No. C 88-2779 WHA

### **DEATH PENALTY CASE**

## **SCHEDULING ORDER**

On November 13, an Order issued denying petitioner's claims 5A, 5B, 5C, and 18 and directing the petitioner to file a brief on all remaining "record-based claims," which historically has referred to those claims for which petitioner will not seek an evidentiary hearing. The parties have submitted a joint statement indicating that they did not reach agreement as to which claims qualified as record-based, or what that term was intended to mean, and seek a further Order directing briefing. In the statement, petitioner identifies four remaining claims for which he will not seek an evidentiary hearing.

Accordingly, pursuant to the parties' joint statement and this Court's previous Orders, the Court hereby **ORDERS** the following:

1) Within 28 days of the date of this Order, petitioner's counsel shall submit a proposed CJA budget for the next round of briefing;

# Case 3:88-cv-02779-WHA Document 822 Filed 12/21/17 Page 2 of 2

| 1  |
|----|
| 2  |
| 3  |
| 4  |
| 5  |
| 6  |
| 7  |
| 8  |
| 9  |
| 10 |
| 11 |
| 12 |
| 13 |
| 14 |
| 15 |
| 16 |
| 17 |
| 18 |
| 19 |
| 20 |
| 21 |
| 22 |
| 23 |
| 24 |
| 25 |
| 26 |
| 27 |

28

Northern District of California United States District Court

| 1  |        |
|----|--------|
| 2  | merits |
| 3  |        |
| 4  | opposi |
| 5  |        |
| 6  | brief; |
| 7  |        |
| 8  |        |
| 9  |        |
| 10 | Dated  |
| 11 |        |
| 12 |        |
| 13 |        |
| 14 |        |
| 15 |        |
| 16 |        |
| 17 |        |
| 18 |        |
| 19 |        |
| 20 |        |
| 21 |        |
| 22 |        |
| 23 |        |
| 24 |        |
| 25 |        |
| 2. | 1      |

| 2) Within 56 days of the date of this Ord | er, petitioner shall submit an opening brief on the |
|---|---|
|   |   |
| merits of Claims 12, 16A, 21, and 22;     |   |

- 3) Within 28 days of the date of petitioner's opening brief, respondent shall submit an ing brief;
- 4) Within 14 days of the date of respondent's opposition, petitioner shall submit a reply
  - 5) Any citations to the record should be included in an appendix to the parties' pleadings. IT IS SO ORDERED.

: December 21, 2017

United States District Judge